

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED
OCT 25 2016
Clerk, U.S. District Court
District Of Montana
Billings

MICHELLE A. CUMMINGS,

Plaintiff,

vs.

BANK OF AMERICA, HOME
LOANS, SAFEGUARD
PROPERTIES, LLC, an Ohio Limited
Liability Company, WIND & WATER,
L.L.C., a Montana Limited Liability
Company, DAVID H. COUCH, an
Individual, and JOHN DOES A-Z,

Defendants.

CV 16-22-BLG-SPW-CSO

ORDER

Before the Court are United States Magistrate Judge Carolyn Ostby's Findings and Recommendations filed on September 15, 2016. (Doc. 51). Judge Ostby recommends that this Court deny Defendant Bank of America's Motion to Strike the class allegations. (Doc. 33).

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Ostby's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Ostby's Findings and Recommendations for clear error.


McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations for disposition of this matter entered by United States Magistrate Judge Ostby (Doc. 26) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Bank of America’s Motion to Strike the class allegations (Doc. 33) is DENIED.

DATED this 25th day of October, 2016.


SUSAN P. WATTERS
United States District Judge